THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 19945 of 2006

Date:02-07-2007

Between:

Ramesh Kumar .. **PETITIONER**

AND

The S.H.O. , P.S.Saroornagar and two other .. **RESPONDENTS**

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the first respondent in not investigating the case in Crime No.451 of 2006, dated 14.05.2006 registered under Section 420 IPC and Section 5 of A.P. Protection of Depositors of Financial Establishments Act, 1999, as illegal and arbitrary.

It is the case of the petitioner that one Mr.Sandeep Avasthi and his father N.K.Avasthi, both residents of Umrapur village, Ibrahimpur, Sareni Post, Rayabareli District, Uttar Pradesh floated a firm under the name and style of Sri Vishnu Cargo Movers in the premises No.23-55, S.B.I. Colony, Netaji Nagar lane opposite to Kothapet fruit market, Ranga Reddy District and forced the petitioner and others to invest money for the purpose of cheque discounting and initially they have paid monies to them to get the cheques discounted in their routine course of business and later they have started collecting amounts from the petitioner and several others promising them to pay the interest @ 3 to 5 percent per month. But the interest was paid initially for a period of six months and thereafter they have duped the petitioner and several others amounting to several lakhs of rupees. Therefore, it is stated that the petitioner and others filed a complaint before the Station House Officer, Police Station, Saroornagar on 14.05.2006 stating that the said two persons having collected huge money from the public closed their firm and absconded and their whereabouts are also known to the father-in-law of the first accused i.e. Mr.Prabhaker who is a resident of Ramngar, Hyderabad. In fact, the petitioner has also gave the cell phone numbers of the accused.

Pursuant to the said complaint, a case in Crime No.451 of 2006 was registered under Section 420 I.P.C. and under Section 5 of A.P. Protection of Depositors of Financial Establishments Act, 1999. It is stated that though the case has been registered, no prompt action has been taken to trace out the said accused.

A counter has been filed stating that pursuant to the said complaint filed by the petitioner and nine others, a case was registered against two accused and sent the team of constables to Bhopal, but when the team reached Bhopal, the accused persons fled away and during their search at Bhopal two cars were recovered and produced before the II Metropolitan Magistrate, Cyberabad, Hyderabad.

It is further stated that those two accused persons could not be traced and after completing investigation, charge sheet has been filed showing the said two accused as absconding.

Having regard to the facts of the case, the writ petition is disposed of directing the respondents to take all possible steps to trace out the accused and if necessary by taking information from the father-in-law of the first accused i.e. Prabhaker who is residing at Ramanagar, Hyderabad. No costs.

V.ESWARAIAH, J.

Date:02.07.2007
ccm